

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 21, 1941

The City Council of the City of Austin, Texas, convened in regular session at the regular meeting place in the Council Room at the Municipal Building on Thursday, August 21, 1941, at 10:35 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

The Minutes of the regular meeting of August 14, 1941, were read, and upon motion of Councilman Alford, were adopted as read by the following vote; Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Gillis moved that Mr. Steve Gage be appointed to membership on the Parks and Playgrounds Board to take the place of Mr. Gillespie Stacy, whose resignation was recently accepted by the City Council. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Mayor Miller read a letter from the Women's Motor Corps of Texas, Austin Unit, by Jane Sumner, Commanding Officer, in which this organization offered their services to the City for any defense program that might be undertaken. The Council expressed their appreciation of this offer of cooperation from this organization.

The following report of the Board of Adjustment was received:

Austin, Texas
August 20, 1941

The Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on August 19, 1941, which is hereby respectfully submitted for your consideration.

R E S O L U T I O N

1. WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Mr. R. Barrow requesting a change in the Use Designation of the following described property:

Two lots fronting 165 ft. on West 24th Street
and 112 ft. on Leon Street.

from Residence "A" and First Height and Area District to Residence "B" and Second Height and Area District; and

2. WHEREAS, the Board of Adjustment carefully considered this application at a meeting held on August 19, 1941; and

3. WHEREAS, the property to the East of the above plots occupied by the Federated Women's Club Building is now zoned as "C" Commercial District; and

4. WHEREAS, the City Council recently changed the zoning classification of the property across West 24th Street to Leon Street from Residence "A" District to Residence "B" District; and

5. WHEREAS, this leaves the above described property abutting a "C" Commercial District on the East and facing a "B" Residence District on the North with Leon Street bounding it on the West; and

6. WHEREAS, the Board deemed that under these circumstances the present zoning of the property fronting on 24th Street East from Leon Street is not logical and tends to discriminate against the property of the applicant who should be entitled to the same use of his property as accorded to the property owner across the street; and furthermore, changing this property would terminate the Residence "B" Zone on Leon Street as a logical boundary line and would be a more equitable and logical zoning plan; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT

7. THAT, the change in the Use Designation of the above described property is recommended to the City Council.

Respectfully submitted,
BOARD OF ADJUSTMENT
By H. F. Kuehne,
Chairman

A public hearing on the proposed change in the Zoning Ordinance as recommended in the foregoing report of the Board of Adjustment was called for Thursday, September 11, 1941, at 11 A. M.

The following resolution was introduced by Councilman Alford:

WHEREAS, the Checkerfront Stores, Inc., acting by and through Ed Westling, General Manager, lessee from S. D. Buratti of a portion of Outlot 6, Division "A" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated at the southwest corner of East 6th Street and Chicon Street, and being locally known as 1817 East 6th Street, has made application to the City of Austin for permission to construct a commercial driveway across the west sidewalk area of Chicon Street and to construct a commercial driveway across the south sidewalk area of East 6th Street, and to set the curb back from the established curb line on the south side of East 6th Street adjacent to the above described property; and

WHEREAS, a map or plan has been prepared showing said commercial driveways and curb setback, which map or plat is hereto attached marked 2-R-748 and made a part hereof; and

WHEREAS, said map and request has been reviewed and considered by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Checkerfront Stores, Inc., acting by and through Ed Westling, General Manager, lessee from S. D. Buratti of a portion of Outlot 6, Division "A" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated at the southwest corner of East 6th Street and Chicon Street and being locally known as 1817 East 6th Street, is hereby granted permission to construct a commercial driveway across the west sidewalk area of Chicon Street and to construct a commercial driveway across the south sidewalk area of East 6th Street, and to set the curb back from the established curb line on the south side of East 6th Street adjacent to the above described property.

Permission to construct the above described curb setback and commercial driveways is granted subject to the same being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereby attached marked 2-R-748 and made a part hereof, and in accordance with the following conditions:

- (1) That the construction of the setback area on East 6th Street shall be carried out in accordance with the accompanying plan marked 2-R-748 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.
- (2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2 $\frac{1}{2}$ parts of sand, and 4 parts of screened gravel or rock.
- (3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than $\frac{3}{4}$ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-R-748.
- (4) That all such expansion joints shall be of the pre-moulded type.
- (5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.
- (6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.
- (7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following votes: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a private gasoline plant for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, the property situated on the east side of San Jacinto Street south of East 3rd Street which property is leased by the Roberdeau Van and Storage Company and is designated as Lots 10, 11 and 12, Block 16 of the Original City of Austin, Travis County, Texas, and hereby authorizes the Roberdeau Van and Storage Company, acting by and through L. Schieffer, Agent, to operate a private gasoline plant for the sole purpose of

servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Roberdeau Van and Storage Company have failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations Attached)

"Austin, Texas
August 21, 1941

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of the Roberdeau Van and Storage Company, acting by and through L. Schieffer, Agent, for permission to operate a private gasoline plant for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the eastside of San Jacinto Street, south of East 3rd Street, which property is designated as Lots 10, 11 and 12, Block 16 of the Original City of Austin, Travis County, Texas, and locally known as 207 San Jacinto Street.

This property is located in a "C-2" Commercial District and I recommend that this permit be granted subject to the following conditions:

- (1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the National Board of Fire Underwriters and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.
- (2) That all pumps shall be so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.
- (3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- (4) That a permit be secured from the Building Inspector's Office before any installation work is started.

Respectfully submitted

/s/ J. C. Eckert
Building Inspector."

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was offered by Mayor Miller:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in GASTON AVENUE from a point 124 feet west of Jarratt Avenue westerly 138 feet, the centerline of which gas main shall be $8\frac{1}{2}$ feet south of and parallel to the north line of said Gaston Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in EAST ELEVENTH STREET from a point 163 feet west of Lincoln Street easterly 250 feet, the centerline of which gas main shall be 22 feet south of and parallel to the north line of said East 11th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in AURORA DRIVE from Houston Street southerly 415 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east line of said Aurora Drive.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in GILBERT STREET from Matthews Drive to Rockmoor Street, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Gilbert Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in ROCKMOOR STREET from Windsor Road south two blocks, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Rockmoor Street.

Said gas main described above shall have a cover of not less than 2½ feet.

(6) A gas main in WINDSOR ROAD from a point 164 feet west of Robin Hood Trail westerly to Rockmoor Street, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Windsor Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in SCENIC ROAD, from Stevenson Avenue northerly 414 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Scenic Road.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in STEVENSON AVENUE from Scenic Road to a point 102 feet east of Matthews Drive, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Stevenson Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in MATTHEWS DRIVE, from a point 22 feet south of Meredith Street northerly to a point 90 feet north of James Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Matthews Drive.

Said gas main described above shall have a covering of not less than 2½ feet.

(10) A gas main in FLETCHER STREET from Euclid Avenue westerly 140 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Fletcher Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(11) A gas main in EAST TENTH STREET from East Avenue westerly 240 feet, the centerline of which gas main shall be 18 feet north of and parallel to the south line of said East 10th street.

Said gas main described above shall have a covering of not less than 2½ feet.

(12) A gas main in EAST TWELFTH STREET from a point 108 feet east of Chicon Street easterly 231 feet the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said East 12th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(13) A gas regulator pit, 7'x9' in area, in WEST FIFTH STREET at the I. & G. N. RAILROAD, the center of which regulator pit shall be 20 feet west of the west property line of the Railroad and 46 feet north of the south property line of West 5th Street.

Said regulator pit described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

Upon motion of Mayor Miller, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Upon motion, the following applications for private boat licenses, to-wit:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Terry, Wm. M. - 1502 Brazos street	Home-built - Sail, New - 4-passenger
McMahan, J. Raymond - 3705 Cherry Lane	Indian - Outboard, one year old 4-passenger

and the following application for a commercial pilot's license, to-wit:

Martin, Kenneth Ernest - 605 West 15th street	Bennett's Boats - one 20 passenger and one 6 passenger
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were granted, subject to the approval of the Lake Austin Navigation Board, by the following vote; ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE CREATING A
MUNICIPAL DEFENSE COUNCIL,
PRESORIBING ITS DUTIES AND
POWERS; AND DECLARING AN
EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The ordinance was read the second time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The ordinance was read the third time and Councilman Gillis moved that the rules be suspended and the ordinance be passed finally. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote; ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The Mayor declared the ordinance finally passed.

Mr. Louis Oherico appeared before the Council regarding the paving of West 5th street, between Walsh Street and the I. & G. N. Railroad Bridge. He said that he and all of the property owners with the exception of two had agreed to pay for the paving and were very anxious to have the street paved as the dust was almost unbearable. After a discussion of the matter, the Council requested the City Attorney to make a test case out of this particular paving project as the property in question is not a homestead.

The following resolution was introduced by Mayor Miller:

WHEREAS, United States Army Engineers in charge of the \$445,000.00 airport improvement and expansion program now under construction at the Municipal Airport, have informed the City of Austin that additional land will be required for protection of the proposed taxiway near the southwest boundary of said Airport; and

WHEREAS, the acquisition of such additional land is essential to provide wing-spread clearance for large U. S. Army and Navy bombing planes and other aircraft using the completed airport facilities as a vital part of the training, travel, and communication activities of the National Defense Program; and

WHEREAS, the land needed for such clearance and protection consists of .567 of an acre of land off the back side of a tract of land belonging to J. Bascom Giles and wife, Effie Dean Giles, of Austin, Travis County, Texas; and

WHEREAS, in the course of recent preliminary negotiations for the purchase of said land, the said J. Bascom Giles, acting for himself and wife, indicated that he values such land at approximately \$2,000.00 per acre, and has stated that he would not sell said .567 of an acre of land to the City of Austin for less than the sum of \$1,000.00; and

WHEREAS, the value per acre asked by J. Bascom Giles and wife for the .567 of an acre of land, required for the airport expansion and essential to the use of said airport in the National Defense, is approximately five (5) times the highest price paid per acre by the City for any land acquired at any time in its airport expansion program; and

WHEREAS, the City Council feels that the fair and reasonable cash value of land in this vicinity, including the .567 of an acre of land belonging to Giles and wife, has been fixed and determined by numerous sales of other tracts by various owners to the City of Austin for expansion of its airport, the most recent sale being of 4.29 acres of land out of the same Giles tract and less than 700 feet north of the tract now sought to be acquired, which 4.29 acres of land were conveyed by the said Giles and wife to the City of Austin less than two weeks ago for a consideration of \$400.00 per acre, as opposed to approximately \$2,000.00 per acre now demanded by the said Giles and wife; and

WHEREAS, by way of avoiding further delay, and to obviate continued obstruction to National Defense, the City Council is willing, without additional lengthy negotiations with the said Giles and wife, to pay more than the established fair and reasonable cash market value of the .567 of an acre of land, in order to provide at the earliest possible date essential airport facilities for Army and Navy planes and other aircraft used in the National Defense and to afford necessary expansion of the Municipal Airport and protection for its taxiways, runways, buildings and other facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Engineer be, and he is hereby, authorized and directed to make, or cause to be made, and offer of approximately \$500.00 per acre, or the sum of \$250.00 cash, for the .567 of an acre of land out of the Giles tract, essential to the Municipal Airport expansion and protection of its taxiways, runways and other facilities, at or near the southwest extremity of said airport; such offer to be made to J. Bascom Giles and wife, Effie Dean Giles, as owners of said land, and in consideration of the payment of said sum of \$250.00 cash, the said Giles and wife shall deliver to the City of Austin, by general warranty deed, good and sufficient fee simple title to said .567 of an acre of land.

BE IT FURTHER RESOLVED:

THAT, failing in such negotiations to acquire for the City of Austin said .567 of an acre of land for the sum of \$250.00 in cash, the City Engineer shall notify the City Attorney of the failure of said J. Bascom Giles and wife to agree with the City of Austin on the fair and reasonable cash market value of such tract of land; and the City Attorney shall then proceed without unnecessary delay to acquire said .567 of an acre of land by condemnation, as provided by the Charter of the City of Austin and the laws and Constitution of the State of Texas, and the City Attorney is hereby authorized and directed so to act in behalf of the City of Austin.

Upon motion of Mayor Miller, the foregoing resolution was adopted by the following vote; ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Upon motion, seconded and carried, the meeting was recessed at 11 A. M., subject to call of the Mayor.

Attest:

Helen D. Busche
Deputy City Clerk

Approved:

Tom Miller
Mayor